

KEVIN LEON DAWSON,)
)
Plaintiff,)
)
v.) No. 4:11CV517 NAB
)
ERIC K. SHINSEKI,)
)
Secretary of Veterans Affairs,)
)
Defendant.)

This matter is before the Court on plaintiff's complaint against Erik K. Shinseki, Secretary of Veterans Affairs, pursuant to Title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967. Plaintiff alleges that he worked at the Wm. Jennings Bryan Dorn Veterans Affairs Medical Center in Columbia, South Carolina, where he was discriminated against and unfairly terminated.

may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the aggrieved person would have worked but for the alleged unlawful employment practice . . .

be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a

substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

Under both of these venue provisions, the proper venue for this action is the District of South Carolina, which is where the unlawful employment acts are alleged to have been committed.


Under 28 U.S.C. § 1406(b), “The district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought.” Because plaintiff is proceeding pro se, the Court finds that it is in the interest of justice to transfer this case to the United States District Court for the District of South Carolina.

Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to proceed in forma pauperis is **provisionally granted**, subject to modification by the United States District Court for the District of South Carolina.

IT IS FURTHER ORDERED that the Clerk shall transfer this case to the United States District Court for the District of South Carolina.

Dated this 23rd day of March, 2011.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE